

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	11-00108-01-CR-W-SOW
THOMAS HUTCHENS,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on November 16, 2011. Defendant Thomas Hutchens appeared in person and with retained counsel Brian Greer. The United States of America appeared by Assistant United States Attorney Kathleen Mahoney.

***I. BACKGROUND***

On April 21, 2011, an indictment was returned charging defendant with eight counts of engaging in monetary transactions greater than \$10,000 with funds derived from unlawful activity, in violation of 18 U.S.C. §§ 982(a)(1) and (a)(2)(A), and one count of forfeiture.

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Ms. Mahoney announced that she and Jess Michaelson will be the trial counsel for the government. The case agent to be seated at counsel table is Walter Schafer, FBI.

Mr. Greer announced that he will be the trial counsel for defendant Thomas Hutchens.

### ***III. OUTSTANDING MOTIONS***

The following motion is pending for ruling by the district judge: motion in limine, filed by the government on November 14, 2011 (document number 29).

### ***IV. TRIAL WITNESSES***

Ms. Mahoney announced that the government intends to call 10 witnesses without stipulations or 9 witnesses with stipulations during the trial.

Mr. Greer announced that defendant Thomas Hutchens intends to call 2 witnesses during the trial. The defendant will testify.

### ***V. TRIAL EXHIBITS***

Ms. Mahoney announced that the government will offer approximately 120 exhibits in evidence during the trial.

Mr. Greer announced that defendant Thomas Hutchens will offer approximately 1 to 2 exhibits in evidence during the trial.

### ***VI. DEFENSES***

Mr. Greer announced that defendant Thomas Hutchens will rely on the defense of general denial.

### ***VII. POSSIBLE DISPOSITION***

Mr. Greer stated this case is definitely for trial.

### ***VIII. STIPULATIONS***

Stipulations are likely as to chain of custody, business records, and federal nexus.

***IX. TRIAL TIME***

Counsel were in agreement that this case will take 2 days to try.

***X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS***

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed on October 12, 2011, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by November 16, 2011;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Tuesday, November 22, 2011;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions<sup>1</sup> by or before noon, Tuesday, November 22, 2011. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

***XI. UNUSUAL QUESTIONS OF LAW***

Motions in limine on the following issues will probably be filed: civil law suit and order of protection incident. There are no unusual questions of law.

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<sup>1</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by Wednesday, November 23, 2011. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. **The instructions shall be listed in the order they are to be given.**

***XII. TRIAL SETTING***

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on November 28, 2011.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
November 16, 2011

cc: Mr. Kevin Lyon